



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB4407

by Rep. Robyn Gabel

#### SYNOPSIS AS INTRODUCED:

325 ILCS 20/11  
325 ILCS 20/12

from Ch. 23, par. 4161  
from Ch. 23, par. 4162

Amends the Early Intervention Services System Act. Provides that all early intervention services shall be initiated as soon as possible, but not later than 30 days after parental consent has been obtained for the Individualized Family Service Plan. Provides that services may be initiated later than 30 days after parental consent has been obtained if the multidisciplinary team determines that a later initiation date is necessary in order to meet the individual needs of the child and family, the child's parent provides informed written consent for the later initiation date, and the reasons for the later initiation date are documented by the multidisciplinary team. In provisions concerning procedural safeguards, provides that a child shall continue to receive the appropriate early intervention services during the pendency of any State complaint procedure, due process hearing, or mediation (instead of any proceedings or action) involving a complaint, unless the State agency and the parents or guardian otherwise agree. Effective immediately.

LRB098 17231 DRJ 52324 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning children.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Early Intervention Services System Act is  
5 amended by changing Sections 11 and 12 as follows:

6 (325 ILCS 20/11) (from Ch. 23, par. 4161)

7 Sec. 11. Individualized Family Service Plans.

8 (a) Each eligible infant or toddler and that infant's or  
9 toddler's family shall receive:

10 (1) timely, comprehensive, multidisciplinary  
11 assessment of the unique strengths and needs of each  
12 eligible infant and toddler, and assessment of the concerns  
13 and priorities of the families to appropriately assist them  
14 in meeting their needs and identify supports and services  
15 to meet those needs; and

16 (2) a written Individualized Family Service Plan  
17 developed by a multidisciplinary team which includes the  
18 parent or guardian. The individualized family service plan  
19 shall be based on the multidisciplinary team's assessment  
20 of the resources, priorities, and concerns of the family  
21 and its identification of the supports and services  
22 necessary to enhance the family's capacity to meet the  
23 developmental needs of the infant or toddler, and shall

1 include the identification of services appropriate to meet  
2 those needs, including the frequency, intensity, and  
3 method of delivering services. During and as part of the  
4 initial development of the individualized family services  
5 plan, and any periodic reviews of the plan, the  
6 multidisciplinary team may seek consultation from the lead  
7 agency's designated experts, if any, to help determine  
8 appropriate services and the frequency and intensity of  
9 those services. All services in the individualized family  
10 services plan must be justified by the multidisciplinary  
11 assessment of the unique strengths and needs of the infant  
12 or toddler and must be appropriate to meet those needs. At  
13 the periodic reviews, the team shall determine whether  
14 modification or revision of the outcomes or services is  
15 necessary.

16 (b) The Individualized Family Service Plan shall be  
17 evaluated once a year and the family shall be provided a review  
18 of the Plan at 6 month intervals or more often where  
19 appropriate based on infant or toddler and family needs. The  
20 lead agency shall create a quality review process regarding  
21 Individualized Family Service Plan development and changes  
22 thereto, to monitor and help assure that resources are being  
23 used to provide appropriate early intervention services.

24 (c) The initial evaluation and initial assessment and  
25 initial Plan meeting must be held within 45 days after the  
26 initial contact with the early intervention services system.

1 The 45-day timeline does not apply for any period when the  
2 child or parent is unavailable to complete the initial  
3 evaluation, the initial assessments of the child and family, or  
4 the initial Plan meeting, due to exceptional family  
5 circumstances that are documented in the child's early  
6 intervention records, or when the parent has not provided  
7 consent for the initial evaluation or the initial assessment of  
8 the child despite documented, repeated attempts to obtain  
9 parental consent. As soon as exceptional family circumstances  
10 no longer exist or parental consent has been obtained, the  
11 initial evaluation, the initial assessment, and the initial  
12 Plan meeting must be completed as soon as possible. With  
13 parental consent, early intervention services may commence  
14 before the completion of the comprehensive assessment and  
15 development of the Plan. All early intervention services shall  
16 be initiated as soon as possible, but not later than 30 days  
17 after parental consent has been obtained for the Individualized  
18 Family Service Plan. Services may be initiated later than 30  
19 days after parental consent has been obtained if the  
20 multidisciplinary team determines that a later initiation date  
21 is necessary in order to meet the individual needs of the child  
22 and family, the child's parent provides informed written  
23 consent for the later initiation date, and the reasons for the  
24 later initiation date are documented by the multidisciplinary  
25 team.

26 (d) Parents must be informed that early intervention

1 services shall be provided to each eligible infant and toddler,  
2 to the maximum extent appropriate, in the natural environment,  
3 which may include the home or other community settings. Parents  
4 shall make the final decision to accept or decline early  
5 intervention services. A decision to decline such services  
6 shall not be a basis for administrative determination of  
7 parental fitness, or other findings or sanctions against the  
8 parents. Parameters of the Plan shall be set forth in rules.

9 (e) The regional intake offices shall explain to each  
10 family, orally and in writing, all of the following:

11 (1) That the early intervention program will pay for  
12 all early intervention services set forth in the  
13 individualized family service plan that are not covered or  
14 paid under the family's public or private insurance plan or  
15 policy and not eligible for payment through any other third  
16 party payor.

17 (2) That services will not be delayed due to any rules  
18 or restrictions under the family's insurance plan or  
19 policy.

20 (3) That the family may request, with appropriate  
21 documentation supporting the request, a determination of  
22 an exemption from private insurance use under Section  
23 13.25.

24 (4) That responsibility for co-payments or  
25 co-insurance under a family's private insurance plan or  
26 policy will be transferred to the lead agency's central

1 billing office.

2 (5) That families will be responsible for payments of  
3 family fees, which will be based on a sliding scale  
4 according to the State's definition of ability to pay which  
5 is comparing household size and income to the sliding scale  
6 and considering out-of-pocket medical or disaster  
7 expenses, and that these fees are payable to the central  
8 billing office. Families who fail to provide income  
9 information shall be charged the maximum amount on the  
10 sliding scale.

11 (f) The individualized family service plan must state  
12 whether the family has private insurance coverage and, if the  
13 family has such coverage, must have attached to it a copy of  
14 the family's insurance identification card or otherwise  
15 include all of the following information:

16 (1) The name, address, and telephone number of the  
17 insurance carrier.

18 (2) The contract number and policy number of the  
19 insurance plan.

20 (3) The name, address, and social security number of  
21 the primary insured.

22 (4) The beginning date of the insurance benefit year.

23 (g) A copy of the individualized family service plan must  
24 be provided to each enrolled provider who is providing early  
25 intervention services to the child who is the subject of that  
26 plan.

1 (h) Children receiving services under this Act shall  
2 receive a smooth and effective transition by their third  
3 birthday consistent with federal regulations adopted pursuant  
4 to Sections 1431 through 1444 of Title 20 of the United States  
5 Code.

6 (Source: P.A. 97-902, eff. 8-6-12; 98-41, eff. 6-28-13.)

7 (325 ILCS 20/12) (from Ch. 23, par. 4162)

8 Sec. 12. Procedural Safeguards. The lead agency shall adopt  
9 procedural safeguards that meet federal requirements and  
10 ensure effective implementation of the safeguards for families  
11 by each public agency involved in the provision of early  
12 intervention services under this Act.

13 The procedural safeguards shall provide, at a minimum, the  
14 following:

15 (a) The timely administrative resolution of State  
16 complaints, due process hearings, and mediations as  
17 defined by administrative rule.

18 (b) The right to confidentiality of personally  
19 identifiable information.

20 (c) The opportunity for parents and a guardian to  
21 examine and receive copies of records relating to  
22 evaluations and assessments, screening, eligibility  
23 determinations, and the development and implementation of  
24 the Individualized Family Service Plan provision of early  
25 intervention services, individual complaints involving the

1 child, or any part of the child's early intervention  
2 record.

3 (d) Procedures to protect the rights of the eligible  
4 infant or toddler whenever the parents or guardians of the  
5 child are not known or unavailable or the child is a ward  
6 of the State, including the assignment of an individual  
7 (who shall not be an employee of the State agency or local  
8 agency providing services) to act as a surrogate for the  
9 parents or guardian. The regional intake entity must make  
10 reasonable efforts to ensure the assignment of a surrogate  
11 parent not more than 30 days after a public agency  
12 determines that the child needs a surrogate parent.

13 (e) Timely written prior notice to the parents or  
14 guardian of the eligible infant or toddler whenever the  
15 State agency or public or private service provider proposes  
16 to initiate or change or refuses to initiate or change the  
17 identification, evaluation, placement, or the provision of  
18 appropriate early intervention services to the eligible  
19 infant or toddler.

20 (f) Written prior notice to fully inform the parents or  
21 guardians, in their native language or mode of  
22 communication used by the parent, unless clearly not  
23 feasible to do so, in a comprehensible manner, of these  
24 procedural safeguards.

25 (g) During the pendency of any State complaint  
26 procedure, due process hearing, or mediation proceedings

1       ~~or action~~ involving a complaint, unless the State agency  
2       and the parents or guardian otherwise agree, the child  
3       shall continue to receive the appropriate early  
4       intervention services currently being provided, or in the  
5       case of an application for initial services, the child  
6       shall receive the services not in dispute.

7       (Source: P.A. 98-41, eff. 6-28-13.)

8       Section 99. Effective date. This Act takes effect upon  
9       becoming law.